Deregulation of the airline industry offers an apt comparison. Federal regulation of routes and rates was dropped under the theory that open market entry would result in healthy competition, which in turn would control rates and services. While this appeared to be the case during the first decade of airline deregulation, tee rapid growth of new service providers eventually yielded to a market shake-out, and smaller airlines and those in poor market positions were gobbled up by their bigger competitors, who often enjoyed advantages in economies of scale and access to more capital at cheaper rates. As a result, the market is now dominated by a smaller number of even bigger national carriers than existed prior to deregulation. The *357 point is that, even though removing barriers to market entry may initially stimulate competition, after a period of time the market can become even more concentrated than prior to deregulation. Thus, it is essential to maintain regulatory control of those companies that hold market power and to extend regulatory control to those that attain market power. Unlike the airline deregulation legislation, S. 1822 embraces this concept.

Another phenomenon is associated with deregulation of the airline industry. While today there are more flights at cheaper rates to the major cities in the U.S., smaller cities now have less service and higher fares than before deregulation. indeed, a number of cities are no longer served by any of the national carriers.

The same thing almost occurred in the electric utility industry in the first part of this century. In the early days of the industry there were few barriers to entry, and literally thousands of for-profit electric utilities were in operation. By the mid-1920s, 16 holding companies controlled 85 percent of the nation's electricity. But unlike the airline industry, some of America's electricity consumers were served by publicly owned, not-for-profit utilities. Where the investor owned utilities refused to serve, these consumer-owned systems provided the essential electrical services demanded by the public. And these consumer owned utilities also provided a realistic measure of the true cost of service, as well as establishing a standard for quality of service.

We now have the opportunity of gaining the positive aspects of increased competition without enduring the negative aspects of airline deregulation. If consumer-owned, not-for-profit telecommunications systems are encouraged to participate in the construction and operation of the NII, and regulation is maintained for those companies that control or attain market power, all consumers could enjoy the benefits of low-cost, high quality, high speed, interactive video, data and voice communications.

ANALYSIS OF S. 1822

APPA is pleased that S. 1822, unlike its House counterpart, specifically acknowledges the right of electric utilities to provide telecommunications and information services. However, if vague references slip into bill or report language indicating that the "private sector", and not the "government" will construct the NII, public power systems will be excluded from participation.

Although Administration officials have made references to private sector development of the NII, this appears to be a case of unfortunate phraseology, rather than any deliberate intention on their part to exclude public ownership and operation from any segments of the NII. In fact, in a letter to APPA Executive Director Larry Hobart, Vice President Gore wrote that public power's "initiative in this important and rapidly evolving technological field certainly compliments this Administration's efforts toward implementing a national information infrastructure *** Accordingly, we have worked hard to establish a clear set of goals by which government can

ATTACHMENT E

Calendar No. 610

103D CONGRESS *2d Session*	SENATE	REPORT 103–367

COMMUNICATIONS ACT OF 1994

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

OF THE

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

together with

ADDITIONAL AND MINORITY VIEWS

ON

S. 1822

SEPTEMBER 14 (legislative day, SEPTEMBER 12), 1994.—Ordered to be printed

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DEFINITIONS

SEC. 3. For the purposes of this Act, unless the context otherwise requires—

(a) "Wire communication" or "communication by wire" means the transmission of writing, signs, signals, pictures, and sounds of all kinds by aid of wire, cable, or other like connection between the points of origin and reception of such transmission, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission.

(b) "Radio communication" or "communication by radio" means the transmission by radio of wiring, signs, signals, pictures, and sounds of all kinds, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission.

* * * * * * *

(ee) "Construction permit" or "permit for construction" means that instrument of authorization required by this Act or the rules and regulations of the Commission made pursuant to this Act for the construction of a station, or the installation of apparatus, for the transmission of energy, or communications, or signals by radio, by whatever name the instrument may be designated by the Commission.

(ff) "Great Lakes Agreement" means the Agreement for the Promotion of Safety on the Great Lakes by Means of Radio in force and the regulations referred to therein.

(gg) [Repealed]

(hh) "Local exchange carrier" means a provider of telephone exchange service that the Commission determines has market power. Such term does not include a person engaged in the provision of a commercial mobile service under section 332(c), except to the extent that the Commission finds that such service as provided by such person in a State is a replacement for a substantial portion of the wireline telephone exchange service within such State.

(ii) "Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, including voice, data, image, graphics, or video, without change in the form or content of the information, as sent and received, by means of electromagnetic transmission, with or without benefit of any closed transmission medium.

(jj) "Telecommunications service" means the direct offering of telecommunications for profit to the general public or to such classes of users as to be effectively available to the general public regardless of the facilities used to transmit such telecommunications services. Such term does not include information services or cable services as defined under section 602.

(kk) "Telecommunications carrier" means any provider of telecommunications services, except that such term does not include hotels, motels, hospitals, and other aggregators of telecommunications services.

(ll) "Telecommunications number portability" means the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.

(mm) "Information service" means the offering of services which employ computer processing applications that act on the format, content, code, protocol, or similar aspects of the subscriber's transmitted information, provide the subscriber additional, different, or restructured information, or involve subscriber interaction with stored information.

(nn) "Rural telephone company" means a telecommunications carrier operating entity to the extent that such entity provides telephone exchange service, including access service subject to part 69 of the Commission's rules (47 C.F.R. 69.1 et seq.), to—

(1) any service area that does not include either—

(A) any incorporated place of 10,000 inhabitants or more, or any part thereof, based on the most recent population statistics of the Bureau of the Census; or

(B) any territory, incorporated or unincorporated, included in an urbanized area, as defined by the Bureau of the Census as of August 10, 1993; or

(2) fewer than 100,000 access lines within a State.

(oo) "Service Area" means a geographic area established by the Commission and the States for the purpose of determining universal service obligations and support mechanisms. In establishing a service area, the Commission and the States shall at a minimum consider—

(1) the principles and requirements of section 201A;

(2) the nature of Federal and State universal service support mechanisms;

(3) the historic area of service by a company and the economics of such company's operations; and

(4) the interest of consumers and competition in such area.

In the case of an area served by a rural telephone company, "service area" shall mean such company's "study area" unless and until the Commission and the States, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company.

* * * * * * *

SEC. 201A. UNIVERSAL SERVICE PROTECTION AND ADVANCEMENT.

(a) UNIVERSAL SERVICE PRINCIPLES.—The Joint Board and the Commission shall base policies for the preservation and advancement of universal service on the following principles:

(1) Quality services are to be provided at just, reasonable, and affordable rates.

(2) Access to advanced telecommunications and information services should be provided in all regions of the Nation.

(3) Consumers in rural and high cost areas should have access to telecommunications and information services, including interexchange services, reasonably comparable to those services provided in urban areas.

(4) Consumers in rural and high cost areas should have access to telecommunications and information services at rates that are reasonably comparable to rates charged for similar services in urban areas.

movement, manipulation, speech, or interpretation of information, unless the cost of making the services accessible and usable would result in an undue burden or adverse competitive impact. The carrier shall seek to permit the use of both standard and special equipment, and seek to minimize the need of individuals to acquire additional devices beyond those used by the general public to obtain such access.

(2) INQUIRY.—The Commission shall, within 2 years after the date of enactment of the Communications Act of 1994, complete an inquiry into policies, practices, and regulations which address the access needs of individuals with speech disabilities, including those who use electronic speechmaking devices and those who use telephone relay services. The inquiry will develop recommendations for more effective ways to incorporate current specialized consumer product equipment devices into the nation's telecommunications infrastructure in addition to addressing the speech-to-speech translation needs of individuals with significant voice disabilities.

(3) COMPATIBILITY.—Whenever an undue burden or adverse competitive impact would result from the requirements in paragraphs (1) and (2), the manufacturer that designs, develops, or fabricates the equipment or network service shall ensure that such equipment or service is compatible with existing peripheral devices or specialized customer premises equipment commonly used by persons with disabilities to achieve access, unless doing so would result in an undue burden or adverse competitive impact.

(4) DEFINITIONS.—As used in this section—

(A) UNDUE BURDEN.—The term "undue burden" means significant difficulty or expense. In determining whether the activity necessary to comply with the requirements of paragraphs (1), (2), and (3) would result in an undue burden, the factors to be considered include:

(i) The nature and cost of the activity.

(ii) The impact on the operation of the facility involved in the manufacture of the equipment or the deployment of the network service.

(iii) The financial resources of the telecommunications equipment manufacturer or telecommunications carrier;

(iv) The financial resources of the manufacturing affiliate of a Bell operating company in the case of manufacturing of equipment, as long as applicable regulatory rules prohibit cross-subsidization of equipment manufacturing with revenues from regulated telecommunications service or when the manufacturing activities are conducted in a separate subsidiary.

(v) The type of operations of the telecommunications equipment manufacturer or telecommunications carrier.

(B) ADVERSE COMPETITIVE IMPACT.—In determining whether the activity necessary to comply with the requirements of paragraphs (1), (2), and (3) would result in adverse competitive impact, the following factors shall be considered:

(i) Whether such activity would raise the cost of the equipment or network service in question beyond the level at which there would be sufficient consumer demand by the general population to make the equipment or network service profitable.

(ii) Whether such activity would, with respect to the equipment or network service in question, put the telecommunications equipment manufacturer or telecommunications carrier at a competitive disadvantage. This factor may be considered so long as competing telecommunications equipment manufacturers and telecommunications carriers are not held to the same obligation with respect to access by persons with disabilities.

(C) ACTIVITY.—For the purposes of this paragraph, the term "activity" includes—

(i) the research, design, development, deployment, and fabrication activities necessary to comply with the requirements of this section; and

(ii) the acquisition of the related materials and equipment components.

(5) COORDINATION IN DEVELOPING REGULATIONS.—Throughout the process of developing regulations required by this paragraph, the Commission shall coordinate and consult with representatives of individuals with disabilities and interested equipment and service providers to ensure their concerns and interests are given full consideration in such process.

(6) EFFECTIVE DATE.—The regulations required by this subsection shall become effective 18 months after the date of enactment of the Communications Act of 1994.

(e) ANNUAL SURVEY.—The Commission shall collect information regarding the deployment of technologies on a State-by-State basis and make such information available to the public.

(f) COST ALLOCATION REGULATIONS.—Notwithstanding any other time period, the Commission shall within 6 months adopt regulations, consistent with the need to protect universal service, to allocate a local exchange carrier's costs of deploying broadband telecommunications facilities between local exchange service and competitive services.

(g) NONDISCRIMINATORY ACCESS.—In considering any application under section 214, the Commission shall ensure that access to such applicant's telecommunications services is not denied to any group of potential subscribers because of their race, gender, national origin, income, age, or residence in a rural or high-cost area.

SEC. 230. TELECOMMUNICATIONS COMPETITION.

(a) REMOVAL OF BARRIERS TO ENTRY.—

(1) Except as provided in subsection (k), one year after the date of enactment of the Communications Act of 1994, no State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications services.

(2) No local government may, after 1 year after the date of enactment of the Communications Act of 1994, impose or collect any franchise, license, permit, or right-of-way fee or any assessment, rental, or any other charge or equivalent thereof as a condition for operating in the locality or for obtaining access to, occupying, or crossing public rights-of-way from any telecommunications carrier that distinguishes between or among telecommunications carriers, including the local exchange carrier. For purposes of this paragraph, a franchise, license, permit, or right-of-way fee or an assessment, rental, or any other charge or equivalent thereof does not include any imposition of general applicability which does not distinguish between or among telecommunications carriers, or any tax.

(3) Nothing in this subsection shall affect the application of section 332(c)(3) to commercial mobile services providers.

(4) If, after notice and an opportunity for public comment, the Commission determines that a State or local government has permitted or imposed any statute, regulation, or legal requirement that violates or is inconsistent with this subsection, the Commission shall immediately preempt the enforcement of such statute, regulation, or legal requirement to the extent necessary to correct such violation or inconsistency.

(5) Nothing in this section restricts the ability of any State or local government entity to make its telecommunications facilities available to carriers so long as making such facilities available is not a telecommunications service.

(b) REGULATORY AUTHORITY.—Nothing in this section shall affect the ability of State officials to impose, on a competitively neutral basis and consistent with section 201A, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.

(c) OBLIGATIONS OF TELECOMMUNICATIONS CARRIERS.—

(1) To the extent that they provide telecommunications services, telecommunications carriers shall be deemed common carriers under this Act. The Commission shall prescribe regulations consistent with its determinations under subsection (g)(1) to require all telecommunications carriers, upon bona fide request, to provide to any provider of telecommunications equipment or any entity seeking to provide telecommunications services or information services, on reasonable terms and conditions and at rates that are just and reasonable and not unjustly or unreasonably discriminatory—

(A) interconnection to the carrier's telecommunications facilities and services at any technically and economically feasible point within the carrier's network;

(B) nondiscriminatory access on an unbundled basis where technically and economically feasible to any of the carrier's telecommunications facilities and information, including databases and signaling, necessary to the transmission and routing of any telecommunications service or information service and the interoperability of both carriers' networks;

(C) nondiscriminatory access, where technically and economically feasible, to the poles, ducts, conduits, and rights of way owned or controlled by the carrier;

(D) nondiscriminatory access where technically and economically feasible to the network functions and services of the carrier's telecommunications network, which shall be offered on an unbundled basis;

(E) telecommunications services and network functions on an unbundled basis without any unreasonable conditions or restrictions on the resale or sharing of those services or functions, including both origination and termination of telecommunications services (for purposes of this subparagraph, it shall not be deemed an unreasonable condition for a telecommunications carrier, consistent with the Commission's rules and State regulations, to limit the resale of services included in the definition of universal service to another telecommunications carrier who intends to resell that service to a category of customers different from the category of customers being offered that universal service by such carrier, nor shall it be deemed unreasonable to provide services included in the definition of universal service to another telecommunications carrier for resale at rates which reflect the actual cost of providing such services, exclusive of any universal service support received by such carrier in accordance with regulations promulgated under section 201A);

(F) local dialing parity, as soon as technically and economically feasible, in a manner that permits consumers to be able to dial the same number of digits when using any telecommunications carrier providing telephone exchange service or exchange access service through resale in a market, and in a manner that permits all such carriers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, directory listing, and no unreasonable dialing delays; and

(G) telecommunications number portability, as administered by an impartial entity, as soon as technically and economically feasible.

(2) A State may not, with respect to the provision of any intrastate telecommunications service, impose upon any telecommunications carrier any regulatory requirement concerning the provision of intrastate services inconsistent with the requirements imposed by the Commission on such carrier with respect to the provision of interstate services. Nothing in this subsection precludes a State from imposing requirements on a carrier for intrastate services that are necessary to further competition for local exchange or exchange access services, including intraLATA toll dialing parity, as long as the State's actions are not inconsistent with the Commission's regulations.

(d) CONSUMER INFORMATION.—As competition for telecommunications services develops, the Commission and State regulatory authorities shall ensure that consumers are given the information necessary to make informed choices among their telecommunications alternatives. Any telecommunications carrier that provides billing

New subsection (hh) defines a "local exchange carrier" to mean a provider of telephone exchange service that the FCC determines has market power. Such term does not include providers of commercial mobile services except to the extent that such a service is a replacement for a substantial portion of wireline telephone exchange service within a State. The statement regarding providers of commercial mobile service is intended to be consistent with language in section 332 of the 1934 Act. The definition of local exchange carrier is intended to cover a provider of telephone service that the FCC determines has market power *with respect to local exchange service*.

The definition of "telecommunications" in new subsection (ii) is expanded from the version in S. 1822 as introduced to cover all forms of information sent by means of electromagnetic transmission, without regard for the facilities used to provide such service. This definition excludes interactive games or shopping services and other services involving interaction with stored information that qualify as information services. The underlying transport and switching capabilities on which these interactive services are based, however, are "telecommunications services."

The phrase "between or among points specified by the user" is not intended to limit the definition of "telecommunications" to transmission between or among specific fixed points in a carrier's network predetermined or preselected by a user. The definition covers transmission and transport in a carrier's network involving origination and termination points. The definition is intended to include network services employing "virtual" numbers used in 900, 800, 700, and 500 services, for example, and may involve changes in termination. The intention of the phrase is to distinguish between traditional point-to-point common carrier services and broadcast services.

The definition of "telecommunication service" in new subsection (jj) was broadened from the version in S. 1822 as introduced to ensure that all entities providing service equivalent to the telephone exchange services provided by the existing telephone companies are brought under title II of the 1934 Act. This expanded definition ensures that these competitors will make contributions to universal service. This definition is intended to include commercial mobile services, competitive access services, and alternative local telecommunications services to the extent that they are offered to the public or to such classes of users as to be effectively available to the public. The Committee does not intend any distinction between the term "general public" and "public."

The term "telecommunications service" does not include information services, cable services, or "wireless" cable services. While the line of distinction between telecommunications services and information services cannot be drawn with scientific certainty, experience has demonstrated the need to draw such a distinction to enable the FCC to tailor its regulations appropriately.

The term "telecommunications service" is not intended to include the offering of telecommunications facilities for lease or resale by others for the provision of telecommunications services. For instance, the offering by an electric utility of bulk fiber optic capacity

(i.e., "dark fiber") does not fall within the definition of telecommunications service.

New subsection (kk) provides a definition of "telecommunications carrier" as any provider of telecommunications services, except for hotels, motels, hospitals, and other aggregators of telecommunications services. For instance, an electric utility that is engaged solely in the wholesale provision of bulk transmission capacity to carriers is not a telecommunications carrier. A carrier that purchases or leases the bulk capacity, however, is a telecommunications carrier to the extent it uses that capacity, or any other capacity, to provide telecommunications services. Similarly, a provider of information services or cable services is not a telecommunications carrier to the extent it provides such services. If an electric utility, a cable company, or an information services company also provides telecommunications services, however, it will be considered a telecommunications carrier for those services.

The definition of "number portability" is clarified from the version in S. 1822 as introduced to make clear that number portability does not allow consumers to travel across the country or across the street and retain their existing telephone number. Number portability allows consumers to retain their existing telephone numbers when switching from one telecommunications carrier to another at the same location.

New subsection (mm) defines "information service" as the FCC has defined it. The definition is intended to provide the FCC with sufficient flexibility to amend its notion of what is and what is not an information service over time as technologies develop.

New subsection (nn) adds a definition of "rural telephone company" that includes companies that either serve a rural area or have fewer than 100,000 access lines within a State.

New subsection (oo) adds a definition of "service area." "Service area" means a geographic area established by the FCC and the States for the purpose of determining universal service obligations and support mechanisms. The FCC and the States shall define the boundaries of each "service area" for both urban and rural areas, consistent with the guidelines, if any, set forth in the statutory language.

Sec. 302.—Regulatory reform

Section 302 of S. 1822 as reported establishes the principles for permitting competition for local telephone service. It adds a new section 230 to the 1934 Act entitled "Telecommunications Competition."

New section 230(a)(1) preempts State and local statutes and regulations, and other State and local legal requirements, that may prohibit or have the effect of prohibiting interstate or intrastate competition for telecommunications services. The preemption is effective 1 year after enactment (except for rural markets described in subsection (k) of new section 230).

Paragraph (2) of new section 230(a) prevents any local government from distinguishing among local exchange carriers and other telecommunications carriers in imposing any franchise or other fee. The creation of a level playing field for the deployment of competitive telecommunications networks and services is of overriding na-

tional concern. Currently, one barrier to the deployment of competitive networks has been the unequal treatment by certain local governments of incumbent network providers and new entrants in the assessment and collection of local franchise fees in connection with the use of public rights-of-way. Some cities have imposed fees on competitors and not telephone companies; others have imposed fees on telephone companies but not competitors. This provision does not limit the authority of local governments to impose franchise or other fees on telecommunications carriers; it simply states that all providers of telecommunications service must be subject to the same franchise fee requirements as traditional local exchange carriers, and vice versa.

Paragraph (2) also states that States or local governments may make their own telecommunications facilities available to certain carriers and not others so long as making such facilities available is not a telecommunications service. This provision essentially allows a State or local government to discriminate not in the regulations it imposes, but in its offering of State-owned or local-owned telecommunications carriers. For instance, some State or local governments own and operate municipal energy utilities with excess fiber optic capacity that they make available to telecommunications carriers. Such municipal utility may not have sufficient capacity to make it available to all carriers in the market. This provision clarifies that State or local governments may sell or lease capacity on these facilities to some entities and not others without violating the principle of nondiscrimination. Since the offering of telecommunications capacity alone is not a "telecommunications services," the nondiscrimination provisions of this section would not, in any case, apply to the offering of such capacity.

The FCC shall, under paragraph (4) of new section 230(a), preempt any State or local government provision that violates section 230(a). This paragraph does not cast any presumption as to the legality of any State or local provision. A State or local government regulation or provision can only be preempted if the FCC determines, after notice and an opportunity for public comment, that such statute, regulation, or other legal requirement violates or is inconsistent with section 230(a). The public comment period will allow all parties, including competitors and Government officials, to present their positions to the FCC for consideration. The FCC must base any decision under this paragraph on the record before it.

Subsection (b) of new section 230 recognizes, consistent with the provisions of subsection (a), that States may impose, on a competitively neutral basis and consistent with the universal service directives of new section 201A of the 1934 Act, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers. For instance, States, and local authorities to the extent they are authorized by such State, continue to have the authority to impose competitively neutral universal service charges on all telecommunications carriers, to govern the use of rights-of-way, or to require telecommunications carriers to register with State or local business offices. States may not exercise this authority in a way that has the effect of imposing entry barriers or other prohibitions preempted by new

section 230(a). Subsection (b) is not intended to confer any additional authority to impose universal service requirements; all such authority is contained in new section 201A.

Subsection (c) of new section 230 sets forth the basic obligations of all telecommunications carriers to open and unbundle their networks in order to permit competition to develop. All telecommunications carriers shall be deemed common carriers, which makes them subject to Title II of the 1934 Act.

The intention of the Committee is that, in general, and except for rural markets, competition should be allowed to develop for local telecommunications services using certain of the facilities and services of existing and competitive carriers. It is unrealistic at this point to expect that competitors will be able to build their own stand-alone networks completely separate from the facilities of the existing local telephone companies. If access to a carrier's existing network and services is not made available to potential competitors, information providers, and providers of equipment, competition for local telecommunications service will be unlikely to become a reality for the vast majority of consumers. The Committee expects that competition will provide consumers substantial benefits in terms of technological innovation and lower prices.

This subsection, however, allows the FCC significant flexibility in the enforcement of these requirements. First of all, the FCC may forbear from applying most of these provisions to particular carriers or classes of carriers, or services or classes of services, if it determines that the carrier or service meets the criteria set forth under subsection (g) of new section 230. Second, carriers must comply with the unbundling and other obligations of subsection (c) only "upon bona fide request." Third, the FCC's regulations direct the carriers to comply on "reasonable terms and conditions." The Committee expects, for instance, that it is only reasonable for the carriers who provide such interconnection to be compensated for their costs of complying with these obligations by those who benefit from them. Fourth, the interconnection and unbundling requirements generally apply only where "technically and economically feasible," which was the standard suggested by Mr. Cullen, President of Bell Atlantic, in his testimony before the Committee on behalf of the RBOS. Fifth, subsection (i) of new section 230 requires the FCC to modify these obligations for rural telephone companies and allows the FCC to waive or modify these obligations for any carrier with less than 2 percent of the Nation's access lines. Finally, subsection (k) recognizes that States may adopt rules to protect against competition in certain rural markets.

Thus, the legislation provides the FCC with flexibility to tailor its regulations to implement these obligations to the needs and resources of the existing carrier and the potential competitors. The Committee expects, however, that the FCC will develop regulations to implement the requirements of subsection (c)(1) that will allow competition to have the opportunity to develop in most markets around the country.

Subsection (c) of new section 230 requires all telecommunications carriers to provide interconnection to their networks upon request. Section 332(c)(1)(B) of the 1934 Act permits the FCC to order a common carrier to establish physical connections, upon request,